

FIRST REGULAR SESSION

# SENATE BILL NO. 458

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS WHEELER AND BRAY.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1872S.011

## AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacist to fill prescriptions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 338, RSMo, is amended by adding thereto one new section, to be known as section 338.012, to read as follows:

**338.012. 1. Pharmacists have a duty to fill all lawful prescriptions properly. If a pharmacist holds sincere religious beliefs that are inconsistent with filling any lawful prescription, such pharmacist shall:**

**(1) Notify his or her employer or prospective employer in writing as soon as possible of the prescriptions he or she refuses to fill; and**

**(2) Fill the prescription unless his or her employer can accommodate the pharmacist's belief without undue hardship to the employer or customers.**

**2. For purposes of this section the following factors should be considered in determining what constitutes an undue hardship:**

**(1) The need of the customer to have the prescription filled in the equivalent time period as the pharmacy is filling other prescriptions of in-stock medications or devices at the time such an accommodation would be made;**

**(2) The financial cost of implementing such an accommodation; and**

**(3) The effect such an accommodation would have on an employer's reputation or good will in the community.**

**3. A pharmacist has a duty to treat each customer in a non-**

judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not to fill the prescription, regardless of whether an accommodation has been implemented under subdivision (2) of subsection 1 of this section.

4. Violation of the provisions of this section shall subject the license of the pharmacist to disciplinary action under section 338.055.

5. A person or governmental entity who believes that a violation of this section exists may make an allegation of that fact to the board in writing.

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